

# UNITED STATES DISTRICT COURT

## **Northern District of California**

Moody,

07-06073 MHP

**Plaintiff(s),**

## **NOTICE RE: NONCOMPLIANCE WITH COURT ORDER**

Charming Shoppes of Delaware, Inc.

**Defendant(s).**

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an ADR Certification and either 1) a **Stipulation and [Proposed] Order Selecting an ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), L.R. 3-5(b) Civil L.R. 16-8(c), ADR L.R. 3-5(c), (d)). (These forms are available at [www.adr.ca.gov/courts.gov](http://www.adr.ca.gov/courts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.  
6  
7

8 Dated: March 5, 2008

9 RICHARD W. WIEKING  
10 Clerk  
by: Timothy J. Smagacz

*Timothy Smagacz*

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12 ADR Administrative Assistant  
13 415-522-4205  
14 Tim\_Smagacz@cand.uscourts.gov

**PROOF OF SERVICE**

Case Name: Moody v. Charming Shoppes of Delaware, Inc.

Case Number: 07-06073 MHP

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On March 5, 2008, I served a true and correct copy of:

**Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Peter M. Hart  
Peter M. Hart Law Offices  
13952 Bora Bora Way, P-320  
Marina Del Rey, CA 90292

Larry W Lee  
Diversity Law Group, P.C.  
444 S. Flower St  
Suite 1370  
Los Angeles, CA 90071  
lwlee@diversitylaw.com

Kenneth H Yoon  
1 Wilshire Blvd.  
Los Angeles, CA 90017  
kyoon@yoon-law.com

John S. Battenfeld  
Morgan Lewis & Bockius LLP  
300 South Grand Avenue  
22nd Floor

Los Angeles, CA 90071-3132  
jbattenfeld@morganlewis.com

Eric Meckley  
Morgan, Lewis & Bockius LLP  
Spear Street Tower, One Market Street  
San Francisco, CA 94105  
emeckley@morganlewis.com

Albert Yao Whei Huang  
Morgan, Lewis & Bockius LLP  
300 South Grand Avenue, Suite 2200  
Los Angeles, CA 90071  
ahuang@morganlewis.com

Steven John Garrett  
Morgan, Lewis & Bockius LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105  
steven.garrett@morganlewis.com

Lane Bryant, Inc.

,

Charming Shoppes, Inc.

,

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 5, 2008 in San Francisco, California.

RICHARD W. WIEKING  
Clerk  
by: Timothy J. Smagacz



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ADR Administrative Assistant  
415-522-4205  
Tim\_Smagacz@cand.uscourts.gov